

RESOLUTION NO. 42-85

BOARD OF SUPERVISORS, NAVAJO COUNTY, ARIZONA

**A RESOLUTION GRANTING PERMISSION TO PROCEED TO ESTABLISH  
THE WHITE MOUNTAIN LAKES SANITARY DISTRICT III**

WHEREAS, Chapter 338, Session Laws 36th Legislative, Second Regular Session, was signed by the Governor of Arizona and filed in the office of the Secretary of State on May 2, 1984, and became effective on August 3, 1984; and

WHEREAS, this Act, attached as Exhibit A, and incorporated herein by reference, prohibits formation of sanitary districts authorized by Title 36, Chapter 11, Arizona Revised Statutes until December 31, 1986, unless authorized by resolution of the County Board of Supervisors as set forth in Section C of Section 2 of this Act; and

WHEREAS, written application to the Board of Supervisors for such authorization has been made in accordance with subsection C of Section 2 of this Act; and

WHEREAS, the Board of Supervisors may by resolution authorize proceedings to establish a sanitary district before expiration of the moratorium where such an establishment is justified; and

WHEREAS, the area to be included in the proposed White Mountain Lakes Sanitary District III is largely unsuitable for septic tanks or other private means of wastewater disposal due to an abundance of bedrock and shallow soil depths which would cause inadequate wastewater absorption and surface runoff of wastewater if septic tanks were used; and

WHEREAS, insufficient absorption of wastewater may lead to contamination of ground and surface water and consequent health hazards; and

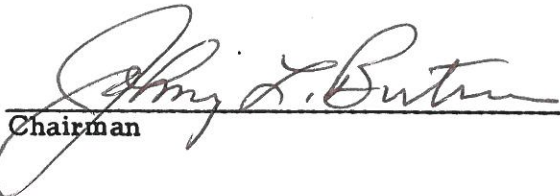
WHEREAS, the formation of the White Mountain Lakes Sanitary District III will promote the public health, safety and welfare by providing for safe and effective wastewater disposal and treatment.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

1. The application for permission to proceed with the formation of the White Mountain Lakes Sanitary District III attached hereto is accepted by the Board of Supervisors.
2. The requested permission to proceed with the formation of the White Mountain Lakes Sanitary District III under the procedures set forth in Title 36, Chapter 11 of the Arizona Revised Statutes is hereby granted.
3. The Board of Supervisors, by a separate resolution, will approve establishment of the White Mountain Lakes Sanitary District III if the formation proceedings are conducted according to law and are successful.

ADOPTED this 7<sup>th</sup> day of May, 1985.

NAVAJO COUNTY BOARD OF SUPERVISORS

  
Chairman

ATTEST:

  
Clerk

DD/RGrtPrmWMSD  
3/15/85

ISSUED BY  
**ROSE MOFFORD**  
SECRETARY OF STATE

State of Arizona  
Senate  
Thirty-sixth Legislature  
Second Regular Session  
1984

CHAPTER 338

SENATE BILL 1124

AN ACT

RELATING TO STATE GOVERNMENT; PROVIDING FOR A MORATORIUM ON THE FORMATION OF CERTAIN NEW SPECIAL DISTRICTS; PROVIDING FOR EXCEPTIONS; PRESCRIBING THE SUBMISSION OF CERTAIN LISTINGS BY EACH COUNTY, AND PROVIDING FOR A JOINT LEGISLATIVE COMMITTEE ON SPECIAL DISTRICTS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Purpose

The purpose of this act is to provide this state with information regarding the existence and activities of special districts throughout Arizona and to permit the legislature to study and evaluate the status of special district government in this state.

Sec. 2. Moratorium on new special districts;  
exception

A. Until December 31, 1986, no new special district listed in subsection B of this section may be formed, nor may any person initiate a measure or circulate a petition to form such a special district, except as provided in subsection C of this section.

B. The special districts to which this section applies are:

1. Antinoxious weed districts authorized by title 3, chapter 2, article 4, Arizona Revised Statutes.

2. Pest control districts authorized by title 3, chapter 2, article 4.1, Arizona Revised Statutes.

3. Fire districts authorized by title 9, chapter 9, article 1, Arizona Revised Statutes.

4. Domestic water improvement districts with an elected board of directors authorized by title 11, chapter 5, article 1.3, Arizona Revised Statutes.

5. County television improvement districts authorized by title 11, chapter 5, article 2, Arizona Revised Statutes.

6. Community park maintenance districts authorized by title 11, chapter 5, article 3, Arizona Revised Statutes.

7. Recreation center districts authorized by title 11, chapter 5, article 4, Arizona Revised Statutes.

8. Special road districts authorized by title 18, chapter 2, article 3, Arizona Revised Statutes.

- 1 9. Power districts authorized by title 30, chapter 2, Arizona  
2 Revised Statutes.  
3 10. Electrical districts authorized by title 30, chapter 3, Arizona  
4 Revised Statutes.  
5 11. Hospital districts authorized by title 36, chapter 10, article  
6 2, Arizona Revised Statutes.  
7 12. Sanitary districts authorized by title 36, chapter 11, Arizona  
8 Revised Statutes.  
9 13. Pest abatement districts authorized by title 36, chapter 11.1,  
10 Arizona Revised Statutes.  
11 14. Health service districts authorized by title 36, chapter 24,  
12 article 2, Arizona Revised Statutes.  
13 15. Drainage districts authorized by title 45, chapter 5, Arizona  
14 Revised Statutes.  
15 16. Irrigation and water conservation districts authorized by title  
16 45, chapter 6, Arizona Revised Statutes.  
17 17. Irrigation water delivery districts authorized by title 45,  
18 chapter 7, Arizona Revised Statutes.  
19 18. Flood control districts authorized by title 45, chapter 10,  
20 article 1.1, Arizona Revised Statutes.  
21 19. Water oriented development districts under title 45, chapter 16,  
22 Arizona Revised Statutes.

23 C. Any person may apply in writing to the board of supervisors  
24 requesting permission to begin proceedings to create a special district  
25 before the expiration of the moratorium. The board of supervisors may  
26 authorize by resolution proceedings to establish the special district.  
27 The resolution shall contain a detailed statement describing the  
28 conditions which justify the proceedings to establish the special  
29 district. If the proceedings to establish the district are successful, the  
30 board of supervisors may, by a separate resolution, approve the formation  
31 of the district.

32 D. This act does not prohibit the expansion, modification or change  
33 in the boundaries of special districts existing on or before the effective  
34 date of this act.

35 Sec. 3. Special districts; county reports

36 A. The board of supervisors of each county shall by December 31,  
37 1984, submit to the auditor general a detailed listing of all special  
38 districts within the county prior to the beginning of the moratorium  
39 established pursuant to section 1 of this act. The listing shall include  
40 all special districts within the county and shall not be limited to those  
41 special districts included under section 1 of this act. The detailed  
42 listing shall include but shall not be limited to the total revenues and  
43 expenditures and tax rate for the most recent fiscal year of the district,  
44 and the total amount and kind of all indebtedness of the district. For  
45 districts publishing an annual report containing this information the  
46 board of supervisors may submit the annual report of the district for the  
47 most recent fiscal year to satisfy the requirements of this subsection with  
48 respect to that district.

24

1 B. The board of supervisors of each county shall by December 31,  
2 1986 submit to the auditor general a detailed listing of all special  
3 districts within the county which were formed following the beginning of  
4 the moratorium established pursuant to section 1 of this act. The detailed  
5 listing shall include but not be limited to the total revenues and  
6 expenditures and tax rate for the most recent fiscal year of the district,  
7 and the total amount and kind of all indebtedness of the district. For  
8 districts publishing an annual report containing this information the  
9 board of supervisors may submit the annual report of the district for the  
10 most recent fiscal year to satisfy the requirements of this subsection with  
11 respect to that district.

12 C. The information specified in this section shall be filed for  
13 each special district prior to the time the board of supervisors levies any  
14 tax or special assessment for the special district other than a tax or  
15 special assessment for the purpose of paying any claims against the  
16 indebtedness of the special district. No provision of this section shall  
17 be construed as limiting or prohibiting the ability of any special district  
18 to levy a tax or special assessment to pay any claims against the  
19 indebtedness of the special district.

20 Sec. 4. Joint committee; implementation

21 A. There is established a joint legislative committee on special  
22 districts. The committee shall consist of three members of the house of  
23 representatives appointed by the speaker, one of whom shall be designated  
24 to also serve as co-chairman, and three members of the senate appointed by  
25 the president, one of whom shall be designated to also serve as  
26 co-chairman.

27 B. The purpose of the committee shall be to oversee the  
28 implementation of the provisions of this act and to make such  
29 recommendations as are appropriate.

30 C. The committee shall complete its work on or before December 31,  
31 1985 and shall submit a report to the speaker and president on its  
32 activities, including findings and recommendations.

Approved by the Governor - May 2, 1984

Filed in the Office of the Secretary of State - May 2, 1984

Law Office of  
**John C. Gliege**  
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(602) 779-3674

May 7, 1985

Navajo County Board of Supervisors  
Navajo County Governmental Complex  
South Highway 77  
Holbrook, AZ 86025

RE: White Mountain Lakes Sanitary District III

Dear Sirs:

The purpose of this letter is to request permission to begin proceedings under Chapter 338, Session Laws 36th Legislature, Second Regular Session, to form the White Mountain Lakes Sanitary District III before December 31, 1986.

The proceedings will comply with Title 11, Chapter 5, Articles 1 and 1.3, Arizona Revised Statutes.

The establishment of this sanitary district will ensure safe and adequate sewage treatment and disposal supply to meet the growing needs of the community within the boundaries of the proposed district. In addition, the district will provide an agency which can develop a cost-effective facility which will provide a more economical method of sewage treatment and disposal to the property owners.

We respectfully request authorization to proceed with the formation of the White Mountain Lakes Sanitary District III by adoption of the enclosed resolution.

Sincerely,

LAW OFFICE OF JOHN G. GLIEGE

BY: 

John G. Gliege

JGG/REH

Enclosure

DD/LetPrmWMSD